

# The Odisha Gazette

**EXTRAORDINARY  
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## **STEEL & MINES DEPARTMENT**

### **NOTIFICATION**

The 13th August 2012

No. 5875-IV (A)-SM-66/2012-SM.—Whereas, it is necessary to put in place a system for regulating the activities of the transporters of coal and other mineral ores to chek illegal transportation of such mineral on road ;

Now, therefore, in exercise of the powers conferred by sub-rule (15) of Rule 10 of the Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007, the State Government having felt it necessary to do so, do hereby impose the following restrictions on transportation of coal & other mineral ores, namely :—

1. A transporting agent means any person or company who engages directly in the business of transportation of coal and other minerals by road from the source of mineral to the point of end use or export.
2. No person or company shall act as transporting agent unless he holds a valid registration in Form 'A' appended to it granted by the Deputy Director of Mines or the Mining Officer as the case may be of the respective mining circle (hereinafter known as the registering authority).
3. That the person or the company shall make an application to the registering authority in the form as may be prescribed by the Director of Mines, Odisha for such registration.
4. Such person or company shall have a valid licence as collecting and forwarding agent granted under Rule 3 of the Odisha Motor Vehicles (Licensing of Agents) Rules, 1993.
5. The application shall be accompanied by a fee of Rs. 5,000 (Rupees five thousand only) deposited through Treasury Chalan under the Head of Account, namely, '0853—Non-ferrous Mining and Metallurgical Industries—102—Mineral Concession fees, Rents and royalties' towards registration.
6. Every applicant for grant of registration under this notification shall deposit, by way of security, a sum of Rs. 50,000 (Rupees fifty thousand only) which shall be refunded if the application is not granted.

7. The security deposit shall be forfeited to the State Government if the person or the company is found to have engaged in illegal transportation of mineral ore or breached any of the conditions of registration.
8. Antecedents of such persons or companies shall be verified by the Registering Authority before grant of registration to ensure that any such person or agency has not indulged in violations of the provisions of the Mines and Minerals (Development & Regulation) Act, 1957 (67 of 1957), Mineral Concession Rules, 1960 and the Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007.
9. The transporting agents registered under this notification shall only transport coal and other mineral ores for lessees and licensees who hold licence under the Odisha Minerals (Prevention of Theft, Smuggling and Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007, but shall themselves not be eligible for trading licence under the said rules.
10. The transporting agent shall not charge freight at a rate higher than the one notified by the State Government for transportation of coal, iron ore, minerals in the directions issued by such Government to the Regional Transport Authorities in exercise of the powers conferred by sub-section (1) of Section 67 of Motor Vehicle Act, 1988 (59 of 1988).
11. The lessees and licensees shall engage only those transportation agents or companies registered under this notification for transportation of coal and other minerals.
12. The persons/companies so registered shall —
  - (i) maintain correct and faithful accounts of the mineral transported and freight charged ;
  - (ii) get the accounts regularly audited by a qualified Chartered Accountant ; and
  - (iii) submit the audited accounts to the registering authority at such intervals as may be decided by the Director of Mines, Odisha.
13. The transporting agents shall submit monthly returns on the mineral ore transported by them, freight charged and such other returns before the registering authority as may be prescribed by the Director of Mines, Odisha from time to time.
14. The registration shall not be transferable.
15. The registration shall remain valid for a period of two years from the date of registration and may be renewed for not more than two years at a time on an application made to the registering authority along with the payment of the registration fee not less than ninety days before its expiry. On receipt of the renewal application, the registering authority will process it in the same manner as required for the original registration.
16. The period of renewal of registration shall commence from the date of expiry of the registration under renewal.

17. The registering authority may, at any time, during the tenure of registration, suspend the registration for breach of any of the terms and conditions of the registration. Before cancellation of the registration, the registering authority shall serve a notice to the person or company so registered giving him the opportunity of being heard. If the registering authority is satisfied with the explanation, he may withdraw the order of such suspension. Otherwise, the registering authority shall cancel the registration by an order in writing.
18. If at any time the registration certificate is lost, destroyed or otherwise defaced, the registering authority may issue a duplicate registration certificate on payment of Rs. 2,000 (Rupees two thousand) only.
19. Any person aggrieved by an order passed by the Deputy Director of Mines or the Mining Officer, as the case may be, may prefer appeal to the Director of Mines, Odisha for redress of his grievance within ninety days from the date of such order.

By order of the Governor  
RAJESH VERMA  
Principal Secretary to Government

FORM 'A'

(See Regulation 2)

TRANSPORTING AGENT'S REGISTRATION CERTIFICATE

Registration No. : ..... Dated.....

Full Name : .....

Name of father or husband : .....

(In the case of an individual)

Address : Village/Street :.....  
Post Office/Town : .....  
Police-Station : .....  
District : .....  
State : .....

Licence No. under O.M.V. (Licensing of Agents) Rules, 1993.....is registered to transport coal and other minerals from the source of the mineral to the point of end use or export subject to the restrictions/conditions imposed by the State Government in Steel & Mines Department in their Notification No. ....dated.....

(2) The licence is valid from .....to.....

Date : .....

Registering Authority

.....Mining Circle

Office Seal

Designation.....